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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/589,062

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Rolf Lehmann

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EXAMINER

NICHOLS II, ROBERT K

ART UNIT

PAPER NUMBER

3754

MAIL DATE

DELIVERY MODE

09/13/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/589,062	Applicant(s) LEHMANN, ROLF	
	Examiner ROBERT K. NICHOLS II	Art Unit 3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 2-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 15, 16, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 17 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2010 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/02/2010, 07/01/2010</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This office action is responsive to the amendment filed on 07/01/2010. As directed by the amendment: claims 1 and 15-19 have been amended, no claims have been cancelled, and new claim 20 has been added. Thus, claims 1 and 15-20 are treated on the merits. Applicant is notified that the amendment filed 07/01/2010 is not in compliance with 37 CFR 1.121. Applicant has failed to indicate the correct status of claim 1, i.e. "currently amended." However, **for this action, and this action only** will the amendment be considered. In the future, amendments must comply with the requirements set forth in 37 CFR 1.121, or it will result in a notice of Non-Compliance. Applicant is reminded that failure to follow the requirements as set forth in 37 CFR 1.121, WILL result in future amendments being considered non-compliant. Failure to follow 37 C.F.R. 1.121 will unnecessarily prolong prosecution.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

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The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 15, 16, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Long (US 3,151,749).

Regarding claims 1 and 20, Long discloses a device for dosing bulk material including a dosing unit including a dosing module having a dosing means 18, the dosing means 18 including a drive axle 17 (see fig. 1 and col. 2, lines 43-45); a container 10 for the bulk material (fig. 1); and an agitator 13/14 within the container 10, the agitator 13/14 having an axle 59 perpendicular to the drive axle 17 of the dosing means 18 (see figs. 3 and 5). It is noted that the agitator 13/14 of Long is rotated with member 62 within the container 10 (see col. 3, lines 38-40 and 59-65), thus, having a rotational axle (i.e. 59) perpendicular to drive axis 17 of dosing means 18. Long further discloses a drive unit 22 having a housing, the housing accommodating a drive motor 34 and a transmission means (see fig. 2), the dosing module being detachable and reconnectable with the housing (see fig. 2), the drive motor 34 and the transmission means configured to drive the drive axle 17 of the dosing means 18 and the axle 59 of

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the agitator 13/14 when the dosing module is connected with the housing (see fig. 1 and col. 3, lines 59-65), the dosing unit forming a replaceable unit which can be detached and reconnected to the drive unit 22 (see fig. 2).

Regarding claim 15, Long discloses a single motor 34 drives the agitator 13/14 and the dosing means 18 (figs. 1, 3 and 5).

Regarding claim 16, Long discloses wherein the drive axle 17 rotates about a first axis, the drive motor 34 rotates a drive wheel 32 about a second axis, and the axle 59 of the agitator 13/14 rotates about a third axis (figs. 3 and 5), the first and second axes being substantially parallel to one another and each substantially orthogonal to the third axis in the operating state (see figs. 3 and 5).

Regarding claim 19, Long discloses the drive wheel 32 drives a driven wheel 30 on the drive axle 17 (see fig. 3)

Allowable Subject Matter

Claims 17 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 07/01/2010 have been fully considered but they are not persuasive. Features of applicant's claimed invention are disclosed by Long as illustrated above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Merrill (US 391,907), Finger (US 4,618,304), and Schuld (US 3,223,290) show other devices.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT K. NICHOLS II whose telephone number is (571)270-5312. The examiner can normally be reached on Mon-Friday 9-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. K. N./
Examiner, Art Unit 3754

/Kevin P. Shaver/
Supervisory Patent Examiner, Art
Unit 3754